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# INDIANA LOBBYIST HANDBOOK

**2007**



INDIANA LOBBY REGISTRATION COMMISSION

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## **INDIANA LOBBY REGISTRATION COMMISSION**

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Indiana law requires certain persons seeking to influence the outcome of legislation before the Indiana General Assembly to register with the Indiana Lobby Registration Commission. A registered lobbyist must report on a semi-annual basis any expenditures associated with lobbying the legislature.

This handbook provides information about the registration and reporting requirements, as well as helpful instructions and comments about completing the appropriate forms. Please read the manual and familiarize yourself with the law. In the event of any inconsistency between this publication and the lobbying statutes, the statutory language governs.

The Indiana Lobby Registration Commission and its staff are ready to help you with any questions you may have about the lobbying law, completing forms, or comments in this handbook.

This publication is not intended to be offered as a substitute for advice from a lobbyist's own legal counsel.

A current list of registered lobbyists, as well as registration statements, activity reports, and the annual summary of lobbyist statements and reports, are available for public viewing at the Commission office or for purchase at cost of duplication. This information may also be viewed at the Commission web site, which is <http://www.state.in.us/ilrc/>

Sincerely,

### **INDIANA LOBBY REGISTRATION COMMISSION**

Thomas Kromkowski, *Commissioner*  
James Torke, *Commissioner*  
Dennis Heeke, *Commissioner*  
Jan Abbs, *Commissioner*

### **COMMISSION STAFF**

Sarah L. Nagy, *Executive Director and General Counsel*  
Jackie Borer, *Administrative Assistant*  
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## IMPORTANT NOTES

This handbook is intended to serve as a general reference to Indiana laws regarding lobbyist registration and financial reporting. Where important legal rights and obligations are involved, reference should be made to the statutes as found in IC 2-7 (Acts 1981, PL 9, and its amendments). The Commission recommends that lobbyists seek their own legal counsel.

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## SUMMARY OF FILING DATES

Registration: **January 15, or within 15 days of becoming a lobbyist, whichever is later**

Activity Reporting: **May 31<sup>st</sup> and November 30<sup>th</sup>**

Legislative Gift or Purchase: **within 7 days of making a gift or purchase**

Amendment: **within 15 days after ANY information change**

Termination: **within 15 days after lobbying activity ceases**

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## I. OVERVIEW OF THE INDIANA LOBBYING LAW

### WHO MUST FILE ?

A lobbyist is a person who "engages in lobbying" and who "in any registration year, receives or expends an aggregate of five hundred dollars (\$500) in compensation or expenditures reportable under this article for lobbying, whether the compensation or expenditure is solely for lobbying or the lobbying is incidental to that person's regular employment." IC 2-7-1-10.

Indiana Code defines lobbying as communicating by any means, or paying others to communicate by any means, with any legislative official for the purpose of influencing any legislative action. Filing requirements apply to any lobbyist.

Indiana requires separate registrations from employer lobbyists and compensated lobbyists:

- **Employer Lobbyist** - an organization, association, corporation, partnership, firm, or individual that compensates another to perform lobbying services on behalf of the employer lobbyist.

- **Compensated Lobbyist** - an individual, organization, association, corporation, partnership, or firm that receives compensation for lobbying services rendered on behalf of a client or an employer.

## WHAT MUST BE FILED . . . AND WHEN?

- **Registration Statements** must be filed within fifteen (15) days of becoming a lobbyist, or no later than January 15th, whichever is later, and terminate on December 31st of each year. Employers and compensated lobbyists must register separately by filing the appropriate forms accompanied by the designated registration fee.
- **Activity Reports** must be filed semi-annually with the Commission by each registered lobbyist;
  - An employer must file one activity report semi-annually.
  - A compensated lobbyist must file a separate activity report semi-annually for each employer or client from which the lobbyist receives compensation or payment for performing lobbying services.
- **A Report of Legislative Gift or Purchase** must be filed within seven (7) days of giving a gift, as described in IC 2-2.1-3-2(8). This report must be filed with the General Assembly member with respect to whom the report is made and a copy must be filed with the Commission.
- **Amendments of Information** must be filed within fifteen (15) days after a material change occurs in any information listed on a registration statement on file with the Commission. There is no fee for filing an amended registration, but a penalty may be assessed if the amendment is not filed within 15 days.
- **A Termination Notice should** be filed within 15 days after a lobbyist ceases the activity which required lobbyist registration. Each lobbyist who files a notice of termination is required to file an activity report covering the semi-annual reporting period, or portion thereof, that immediately precedes the termination.

## WHERE MUST YOU FILE?

All lobbyist forms must be filed with the Commission at the following address:

**Indiana Lobby Registration Commission  
10 W. Market, Suite 1760**

## Indianapolis, Indiana, 46204

- **By mail** - mailed forms will be accepted and considered filed by the date of the canceled postmark. Please provide the copies and a self-addressed envelope with the correct postage if you require file-stamped copies to be returned to you,
- **By hand** - forms may be hand-delivered, Monday through Friday, during regular office hours - 8:30 AM - 4:30 PM. If you need copies to be file-stamped while you wait, please provide the copies, or the Commission can provide copies at duplicating cost. Remember that on deadline dates, the wait may be lengthy.

## REGISTRATION FEES

A \$100 registration fee must accompany each lobbyist registration statement. A \$50 registration fee must accompany the lobbyist registration statements of the following:

- a non-profit organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, or
- an employee of a non-profit organization, as described above, who performs lobbying services for the employer as part of the employee's salaried responsibilities.

## RECORD KEEPING REQUIREMENTS

- **Preserve for four years** - Compensated and employer lobbyists are required to obtain and preserve documents that substantiate fully all activity reports filed with the Commission. These documents must be retained for a period of four years from the date of filing the report to which they relate.
- **Furnish upon request** - Substantiating documents must be made available to the Indiana Lobby Registration Commission upon request to verify activity reports.

## ENFORCEMENT

- **Audits** - The General Assembly mandates the Commission to audit and review at least five percent (5%) of all registration statements and activity reports filed with the Commission.

The Commission requires the selected lobbyists to produce verifying documents that substantiate their activity reports.

- **Notice of errors or violations** - The Commission notifies a lobbyist by certified mail within 30-days of the discovery of an error or violation. The lobbyist has 30-days from the date of notification in which to file a corrected statement or report. Failure to amend or correct a statement or report may result in the lobbyist being required to appear before the Commission in a public meeting, and in civil or criminal sanctions.
- **Investigations** - The Commission must conduct an investigation after receiving a written complaint with probable cause which alleges a lobby law violation. A copy of the complaint is sent to the person alleged to have committed the violation. If probable cause is found to exist, an investigation shall be had, and all preliminary actions and records relating to the investigation shall be kept confidential.
- **Hearings** - The Commission may conduct hearings whenever the Commission finds probable cause that a violation of the lobby law has occurred.

## **PENALTIES**

- **Late filings** - A penalty of \$10 per day, but not to exceed \$100, is imposed for any lobbyist registration filed after the statutory deadline. A penalty of \$10 per day per report, but not to exceed \$100 per report, is imposed for lobbyist activity reports filed after the statutory deadline.
- **Civil sanctions** - The Commission may: 1) revoke a lobbyist's registration, and/or, 2) impose a civil fine in an amount not to exceed \$500.
- **Criminal sanctions** - Violations of IC 2-7-2, -3, or -5 constitute unlawful lobbying, a class D felony. Upon consideration by the entire Commission, allegations of criminal violations may be referred to the Attorney General and to the prosecuting attorney with applicable jurisdiction.

In addition to any criminal penalty assessed for unlawful lobbying, the court may order the defendant not to engage in lobbying for a period up to 10 years. False reporting under this statute also constitutes a class D felony.

## **II. THE LOBBY LAW**



## **IC 2-7-1**

### **Chapter 1. Definitions**

#### **IC 2-7-1-1**

Sec. 1. "Activity report" means the activity report provided for by IC 2-7-3.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-1.5**

Sec. 1.5. The definitions in this chapter apply throughout this article.

*As added by P.L.1-1993, SEC.4.*

#### **IC 2-7-1-2**

Sec. 2. "Compensation" means anything of value given as payment for doing or refraining from doing an activity.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-3**

Sec. 3. "Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, honorarium, pledge, or subscription of money or anything of value, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-4**

Sec. 4. (a) "Gift" means the voluntary transfer of anything of value without consideration.

(b) The term does not include any of the following:

(1) A gift received from a relative within the third degree of kinship of the person or of the person's spouse, or from the spouse of any such relative.

(2) A contribution (as defined in IC 3-5-2-15).

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.9-1993, SEC.3.*

#### **IC 2-7-1-5**

Sec. 5. "Immediate family" means a spouse residing in the person's household and dependent children.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-6**

Sec. 6. "Influencing legislative action" means promoting, supporting, influencing, modifying, opposing, or delaying any legislative action by any

means.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-7**

Sec. 7. "Legislative action" means any matter within the authority of the general assembly; it includes the drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, or other matter by the general assembly or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the general assembly acting in his official capacity. "Legislative action" also means the action of the governor in approving or vetoing any bill.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-8**

Sec. 8. "Legislative official" means a member of the general assembly, or any employee or paid consultant of the general assembly, or an agency of the general assembly.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-9**

Sec. 9. "Lobbying" means communicating by any means, or paying others to communicate by any means, with any legislative official with the purpose of influencing any legislative action.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-10**

Sec. 10. "Lobbyist" means any person who:

- (1) engages in lobbying; and
- (2) in any registration year, receives or expends an aggregate of five hundred dollars (\$500) in compensation or expenditures reportable under this article for lobbying, whether the compensation or expenditure is solely for lobbying or the lobbying is incidental to that individual's regular employment.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.9-1993, SEC.4.*

#### **IC 2-7-1-11**

Sec. 11. (a) "Payment" means a payment, compensation, reimbursement, distribution, transfer, loan, advance, conveyance, deposit, gift, pledge, subscription, or other rendering of money, property, services, or anything else of value, whether tangible or intangible, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make a payment.

(b) "Paid" means that payment has been made.

(c) "Pay" means the act of making a payment.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-1-12**

Sec. 12. "Person" means a human being, corporation, limited liability company, partnership, association, firm, or educational institution.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.8-1993, SEC.3.*

**IC 2-7-1-13**

Sec. 13. "Public employee" means an employee of the state or

federal government or a political subdivision of either of those governments and does include an official or employee of any university, college or other educational institution, presently existing or hereafter established in Indiana, for the purpose of providing programs of collegiate or university education or other post-high school education and which is supported in whole or in part by appropriations made by the general assembly.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-14**

Sec. 14. "Public official" means an individual who holds office in the executive, judicial, or legislative branch of the state or federal government or a political subdivision of either of those governments and includes an official or employee of any university, college or other educational institution, presently existing or hereafter established in Indiana, for the purpose of providing programs of collegiate or university education or other post-high school education and which is supported in whole or in part by appropriations made by the general assembly.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-15**

Sec. 15. "Registrant" means a person who is required to register under IC 2-7-2-1.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-16**

Sec. 16. "Registration statement" means the registration statement provided for by IC 2-7-2.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-17**

Sec. 17. "Commission" refers to the Indiana lobby registration commission established by IC 2-7-1.6.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.5; P.L.9-1993, SEC.5.*

**IC 2-7-1.6****Chapter 1.6. Indiana Lobby Registration Commission****IC 2-7-1.6-1**

Sec. 1. (a) The Indiana lobby registration commission is established.

(b) The commission is a separate and an independent agency within the legislative branch of state government.

(c) The commission shall administer this article.

*As added by P.L.3-1992, SEC.6. Amended by P.L.9-1993, SEC.6.*

**IC 2-7-1.6-2**

Sec. 2. (a) The commission consists of four (4) members. The president pro tempore of the senate, the minority floor leader of the senate, the speaker of the house of representatives, and the minority floor leader of the house of representatives shall each appoint one (1) member.

(b) Not more than two (2) of the four (4) members may hold the same political affiliation.

(c) An incumbent legislator or lobbyist may not be appointed as a member of the commission.

*As added by P.L.3-1992, SEC.6.*

**IC 2-7-1.6-3**

Sec. 3. (a) Each member of the commission serves for a term of four (4) years, beginning January 1.

(b) Members of the commission may be reappointed to successive terms.

(c) The appropriate appointing authority shall fill a vacancy on the commission for the duration of the unexpired term.

*As added by P.L.3-1992, SEC.6.*

**IC 2-7-1.6-4**

Sec. 4. A chairman shall be selected for the commission to serve for a term of one (1) year. The chairman's term begins January 1. The chairman to serve in even-numbered years shall be designated by the president pro tempore of the senate, and the chairman to serve in odd-numbered years shall be designated by the speaker of the house of representatives.

*As added by P.L.3-1992, SEC.6.*

**IC 2-7-1.6-5**

Sec. 5. (a) The commission has the powers and duties specified in this article.

(b) The commission may do the following:

(1) Hold meetings as necessary.

(2) Make recommendations to the general assembly concerning administration of this article.

(3) Subject to IC 2-7-7, receive and hear any complaint alleging a violation of this article.

(4) Obtain information relevant to an audit conducted or a complaint filed under this article.

(5) Administer oaths.

(6) Act as an advisory body by providing advisory opinions to lobbyists on questions relating to the requirements of this article.

(7) Establish qualifications for and employ the personnel required to implement this article.

- (8) Adopt rules and procedures necessary or appropriate to carry out its duties.
  - (9) Make reasonable and necessary expenditures of money appropriated to the commission.
  - (10) Do other things necessary and proper:
    - (A) to implement this article; or
    - (B) as requested by the general assembly or the legislative council.
- As added by P.L.3-1992, SEC.6. Amended by P.L.9-1993, SEC.7.*

**IC 2-7-1.6-6**

Sec. 6. The vote of at least three (3) members is required for the commission to take official action.

*As added by P.L.3-1992, SEC.6.*

**IC 2-7-1.6-7**

Sec. 7. When the commission meets, each member is entitled to receive the same per diem, mileage, and travel allowances approved by the legislative council for lay members serving on interim study committees established by the legislative council.

*As added by P.L.3-1992, SEC.6.*

**IC 2-7-1.6-8**

*(Repealed by P.L.9-1993, SEC.18.)*

**IC 2-7-1.6-9**

Sec. 9. Nothing in this chapter affects the committees established under IC 2-2.1-3-5.

*As added by P.L.3-1992, SEC.6.*

**IC 2-7-2**

**Chapter 2. Registration Statements**

**IC 2-7-2-1**

Sec. 1. (a) Each lobbyist shall file annually with the commission a registration statement under oath accompanied by the registration fee required by this section.

(b) Except as provided in subsection (c), the registration fee is one hundred dollars (\$100).

(c) The registration fee of a lobbyist that satisfies either of the following is fifty dollars (\$50):

- (1) The lobbyist is a nonprofit organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.
- (2) The lobbyist:
  - (A) is an employee of a lobbyist described in subdivision (1); and
  - (B) performs lobbying services for the employer as part of the lobbyist's salaried

responsibilities.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.1; P.L.3-1992, SEC.7; P.L.9-1993, SEC.8.*

#### **IC 2-7-2-2**

Sec. 2. (a) Each registration statement shall be filed not later than January 15 or within fifteen (15) days after the registrant becomes a lobbyist, whichever is later. Each registration statement expires on December 31 of the year for which it was issued. The commission may accept registration statements before January 1 of the year to which they apply, as the commission determines.

(b) Subject to subsections (c) and (d), the commission shall impose a late registration fee of ten dollars (\$10) per day for each day after the deadline until the statement is filed.

(c) The late registration fee shall not exceed one hundred dollars (\$100).

(d) The commission may waive the late registration fee if the commission determines that the circumstances make imposition of the fee inappropriate.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.8; P.L.9-1993, SEC.9.*

#### **IC 2-7-2-3**

Sec. 3. The registration statement of each lobbyist who is compensated for lobbying shall include:

(1) his name, social security number, residence address and telephone number, business address and telephone number, and the addresses and telephone numbers of any temporary living or business quarters he has in Marion County;

(2) the name, business address, telephone number, and kind of business of each person (including the names of each officer or partner) who compensates him;

(3) his primary occupation and the name or names of his employers if different than those specified in subdivision (2); and (4) the subject matter of his lobbying.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.2; P.L.6-1987, SEC.1.*

#### **IC 2-7-2-4**

Sec. 4. The registration statement of each lobbyist who compensates a person for lobbying shall include:

(1) his full name, business address and telephone number, kind of business, and the full name of the individual who controls the business, the partners, if any, and officers;

(2) the full name, and business address and telephone number of each person compensated by him as a lobbyist;

(3) the subject matter for which he has employed or contracted with a lobbyist.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-2-5**

Sec. 5. If a material change occurs in any of the information contained in a

registration statement, an appropriate amendment shall be filed within fifteen (15) days after the change. Each registered lobbyist may file a notice of termination within fifteen (15) days after he ceases the activity which required his registration; however, this does not relieve him of the reporting requirements of IC 2-7-3.  
*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.3.*

#### **IC 2-7-2-6**

Sec. 6. (a) The provisions of this chapter and IC 2-7-3 are not applicable to any full-time or part-time public official acting in his official capacity or any full-time or part-time public employee in Indiana acting within the scope of his employment.

(b) The provisions of this chapter are not applicable to any newspaper or other periodical of general circulation, book publisher, news wire service, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge legislative action if such newspaper, periodical, book publisher, radio or television station, or individual engages in no further or other activities in connection with urging legislative action other than to appear before a committee of the legislature in support of or in opposition to such action.

(c) The provisions of this chapter are not applicable to an individual invited, by any member of the general assembly, to testify before the general assembly or a legislative committee at the time the individual is testifying.

(d) The provisions of this chapter are not applicable to any officer or employee of the state central committee of a political party while acting within the scope of his employment.

(e) This chapter does not apply to a person whose lobbying services are performed without compensation.

(f) Notwithstanding the definition of "lobbying" as specified in IC 2-7-1-9, in no instance shall the language of this chapter be construed to prohibit in any way free and open communication between any citizen of this state and members of the general assembly.

(g) This article does not apply to:

- (1) an insurance policy;
  - (2) a credit card agreement;
  - (3) a recorded mortgage secured by real property; or
  - (4) a written agreement with a financial institution (as defined in IC 28-1-1-3);
- if the insurance policy, credit card, mortgage, or agreement was issued or made in the ordinary course of business.

(h) This article does not apply to compensation paid to the spouse of a legislator for goods or services provided by the spouse in the ordinary course of business to a lobbyist or a lobbyist's employer.

(i) The items to which this article does not apply under subsection (g) or (h) shall

not be included in activity reports filed under IC 2-7-3-3.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.4; P.L.3-1992, SEC.9; P.L.9-1993, SEC.10.*

### **IC 2-7-3**

#### **Chapter 3. Activity Reports**

##### **IC 2-7-3-1**

Sec. 1. Each lobbyist shall file semiannually with the commission an activity report under oath. He shall file a separate activity report relating to each person from whom he receives payment for lobbying.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.10.*

##### **IC 2-7-3-2**

Sec. 2. (a) One (1) activity report shall be filed not later than May 31, covering the period from November 1 of the immediately preceding calendar year through April 30. The other activity report shall be filed not later than November 30, covering the period from May 1 through October 31. The commission shall provide a copy of an activity report to a member of the general assembly at the request of the member.

(b) Subject to subsections (c) and (d), the commission shall impose a penalty of ten dollars (\$10) per day for each day that the person fails to file any report required by this chapter until the report is filed.

(c) The penalty shall not exceed one hundred dollars (\$100) per report.

(d) The commission may waive the penalty if the commission determines that the circumstances make imposition of the penalty inappropriate.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.11; P.L.9-1993, SEC.11, P.L. 162-2003.*

(a) A lobbyist's activity report required to be filed not later than November 30, 2003, by IC 2-7-3-2, as amended by this act, shall, notwithstanding IC 2-7-3-2, as amended by this act, cover the period from July 1, 2003, through October 31, 2003.

(b) This SECTION expires July 1, 2004.

*Amended by P.L. 162-2003, SEC. 3.*

##### **IC 2-7-3-3**

Sec. 3. (a) The activity reports of each lobbyist shall include the following:

(1) A complete and current statement of the information required to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

(2) Total expenditures on lobbying (prorated, if necessary) broken down to include at least the following categories:



- (A) Compensation to others who perform lobbying services.
- (B) Reimbursement to others who perform lobbying services.
- (C) Receptions.
- (D) Entertainment, including meals. However, a function to which the entire general assembly is invited is not lobbying under this article.
- (E) Gifts made to an employee of the general assembly or a member of the immediate family of an employee of the general assembly.

(3) A statement of expenditures and gifts that equal one hundred dollars (\$100) or more in one (1) day, or that together total more than five hundred dollars (\$500) during the calendar year, if the expenditures and gifts are made by the registrant or his agent to benefit:

- (A) a member of the general assembly;
- (B) an officer of the general assembly;
- (C) an employee of the general assembly; or
- (D) a member of the immediate family of anyone included in clause (A), (B), or (C).

(4) Whenever a lobbyist makes an expenditure that is for the benefit of all of the members of the general assembly on a given occasion, the total amount expended shall be reported, but the lobbyist shall not prorate the expenditure among each member of the general assembly.

(5) A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within the registration period.

(6) The name of the beneficiary of each expenditure or gift made by the lobbyist or his agent that is required to be reported under subdivision (3).

(7) The name of each member of the general assembly from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5.

(b) In the second semiannual report, when total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire reporting year.

(c) An amount reported under this section is not required to include the following:

- (1) Overhead costs.
- (2) Charges for any of the following:
  - (A) Postage.
  - (B) Express mail service.
  - (C) Stationery.
  - (D) Facsimile transmissions.
  - (E) Telephone calls.
- (3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.
- (4) Expenditures for leasing or renting an office.
- (5) Expenditures for lodging, meals, and other personal expenses of the lobbyist.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.5; P.L.3-1992, SEC.12; P.L.9-1993, SEC.12.*

#### **IC 2-7-3-4**

Sec. 4. Each lobbyist shall obtain and preserve all documents necessary to substantiate the activity reports required under this chapter for four (4) years from the date of filing of the report containing these items. The lobbyist shall make these materials available for inspection upon request by the commission.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.13.*

#### **IC 2-7-3-5**

Sec. 5. Every person who files a notice of termination as provided in IC 2-7-2-5 must file a termination report covering the semiannual reporting period or portion thereof immediately preceding the termination of his registration statement; such report shall contain the information required by section 3 of this chapter.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-3-6**

Sec. 6. (a) A lobbyist shall file a written report with respect to a member of the general assembly whenever either of the following occurs:

(1) The lobbyist has made a purchase described in IC 2-2.1-3-2(a)(7) with respect to that member. This subdivision does not apply to purchases made by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

(2) The lobbyist has made a gift described in IC 2-2.1-3-2(a)(8) to that member.

(b) A report required by subsection (a) must state the following:

(1) The name of the lobbyist.(2) Whether the report covers a purchase described in IC 2-2.1-3-2(a)(7) or a gift described in IC 2-2.1-3-2(a)(8).

(c) A lobbyist shall file a copy of a report required by this section with all the following:

(1) The commission.(2) The member of the general assembly with respect to whom the report is made.(3) The principal clerk of the house of representatives, if the legislator is a member of the Indiana house of representatives.(4) The secretary of the senate, if the legislator is a member of the Indiana senate.

(d) A lobbyist shall file a report required by subsection (a) not later than seven (7) days after making the purchase or giving the gift.

(e) Not later than January 7, the commission shall provide to each member of the general assembly a written compilation of all reports filed under subsection (c) relating to that member. The compilation must satisfy the following:(1) For each member the compilation must list the following for the immediately preceding calendar year:

(A) Each purchase described in IC 2-2.1-3-2(a)(7).

(B) Each gift described in IC 2-2.1-3-2(a)(8) itemized as follows:(i) Any gift of cash from the lobbyist.(ii) Any single gift from the lobbyist other than cash having a fair market value that exceeds one hundred dollars (\$100).(iii) Any gifts from the lobbyist other than cash having a fair market value in the aggregate that exceeds two hundred fifty dollars (\$250).(2) For each purchase or gift, the compilation must identify the name of the lobbyist making the purchase or giving the gift.

*As added by P.L.9-1993, SEC.13. Amended by P.L.2-1997, SEC.1; P.L.205-1999, SEC.7, P.L. 162-2003.*

## **IC 2-7-4 Chapter 4. Duties of the Commission**

### **IC 2-7-4-1**

Sec. 1. The commission shall prescribe forms for the registration statements, activity reports, and other documents required to be filed under this article and make the forms available to persons required to file the registration statements, activity reports, and other documents.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.14; P.L.9-1993, SEC.14.*

### **IC 2-7-4-2**

Sec. 2. The commission shall prepare and publish a manual setting forth recommended, uniform methods of reporting for use by persons required to file statements and reports under this article.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.15.*

### **IC 2-7-4-3**

Sec. 3. The commission shall make statements, reports, and other documents filed with the commission under this article available for public inspection and copying during regular office hours and make copying facilities available to the public at a charge not to exceed actual cost.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.16.*

### **IC 2-7-4-4**

Sec. 4. The commission shall compile and maintain an index of all reports and statements filed with the commission under this article to facilitate public access to these reports and statements.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.17.*

### **IC 2-7-4-5**

Sec. 5. The commission shall prepare and publish annual summaries of statements

and reports filed with the commission under this article.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.18.*

#### **IC 2-7-4-6**

Sec. 6. (a) The commission shall inspect and audit at least five percent (5%) of all registration statements and reports filed with the commission under this chapter by requiring the registrant to produce verifying documents. The statements and reports inspected and audited shall be selected at random by a computer random number generator. Nothing in this chapter shall be construed as prohibiting the commission from inspecting and auditing any statement or report if the commission has reason to believe that a violation of this chapter may have occurred. (b) Verifying documents under this section while in the possession of the commission are confidential.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.6; P.L.19-1983, SEC.7; P.L.3-1992, SEC.19.*

#### **IC 2-7-4-7**

Sec. 7. The commission shall notify by certified mail, return receipt requested, persons required to file statements and reports under this article of any violations or errors discovered during inspections or audits conducted under section 6 of this chapter within thirty (30) days of the discovery of the errors or violations. The person required to file statements and reports under this article shall within thirty (30) days from receipt of notification file a corrected statement or report meeting all requirements set forth in this article. If no corrected statement or report is filed within thirty (30) days, or if violations remain following the filing of a corrected report or statement, then the commission shall forward to the prosecuting attorney of the applicable judicial circuit and to the attorney general reports of any violations. However, if the prosecutor has not initiated prosecution within sixty (60) days of receipt of such notice or within sixty (60) days of the written request for prosecution by the attorney general, the attorney general may prosecute on behalf of the state.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.6-1985, SEC.1; P.L.3-1992, SEC.20.*

#### **IC 2-7-4-8**

Sec. 8. The commission shall preserve statements and reports filed with the commission under this article for a period of four (4) years from the date of receipt.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.21.*

#### **IC 2-7-4-9**

Sec. 9. The commission has all powers necessary to accomplish the responsibilities assigned to the commission in this chapter.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.22.*

## **IC 2-7-5**

### **Chapter 5. Prohibitions**

#### **IC 2-7-5-1**

Sec. 1. It is unlawful for any legislative official to receive compensation or reimbursement other than from the state for personally engaging in lobbying.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-5-2**

Sec. 2. Subject to the provisions of IC 2-7-2-6(a), it is unlawful for any full-time public official or public employee in the state of Indiana, to receive compensation, other than the regular compensation of elected or appointed officials, for lobbying.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.7.*

#### **IC 2-7-5-3**

Sec. 3. Subject to the provisions of IC 2-7-2-6(d), it is unlawful for any officer or employee of the state central committee of a political party to receive compensation, other than for the regular compensation of such officers and employees, for lobbying.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-5-4**

Sec. 4. No past member of the general assembly who is a lobbyist may be on the floor of either house while that house is in session.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-5-5**

Sec. 5. It is unlawful for any person to be a lobbyist for a compensation dependent upon the success of his lobbying efforts, or upon any contingency connected with the administrative action or legislative action.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-5-6**

Sec. 6. The following persons may not be registered as a lobbyist under this article:

(1) Any individual convicted of a felony for violating any law while the individual was an officer or employee of any agency of state government or a unit of local government.

(2) Any person convicted of a felony relating to lobbying.

(3) Any person convicted of a felony and who:

(A) is in prison;

(B) is on probation; or

(C) has been in prison or on probation within the immediate past one (1) year.

(4) Any person whose:

(A) statement or report required to be filed under this article was found to be

materially incorrect as a result of a determination under IC 2-7-6-5; and  
(B) who has not filed a corrected statement or report for that year when requested to do so by the commission.

(5) Any person who has failed to pay a civil penalty assessed under IC 2-7-6-5.

(6) Any person who is on the most recent tax warrant list supplied to the commission by the department of state revenue until:

(A) the person provides a statement to the commission indicating that the person's delinquent tax liability has been satisfied; or

(B) the commission receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.6-1985, SEC.2; P.L.6-1987, SEC.2; P.L.332-1989(ss), SEC.1; P.L.3-1992, SEC.23.*

## **IC 2-7-6**

### **Chapter 6. Enforcement**

#### **IC 2-7-6-1**

Sec. 1. The attorney general and the applicable prosecuting attorney jointly or severally are responsible for investigating alleged or suspected violations and enforcing the provisions of this article and, in addition to the powers heretofore granted him by law, the attorney general has the powers of the prosecuting attorney of each county for the purpose of enforcing the provisions of this article.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-6-2**

Sec. 2. (a) Any person who knowingly or intentionally violates any provision of IC 2-7-2, IC 2-7-3, or IC 2-7-5 commits unlawful lobbying, a Class D felony. In addition to any penalty imposed on the defendant under IC 35-50-2-7 for unlawful lobbying, the court may order the defendant not to engage in lobbying for a period of up to ten (10) years, IC 2-7-5-6 notwithstanding.

(b) Any person who lobbies in contravention of a court order under subsection (a) of this section commits a Class D felony.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-6-3**

Sec. 3. Whoever knowingly or intentionally makes a false report under this chapter that overstates or understates the amount of any or all expenditures or gifts commits a Class D felony.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.9-1993, SEC.15.*

#### **IC 2-7-6-4**

Sec. 4. A member of the general assembly who knowingly or intentionally conspires with a lobbyist in the violation of section 2 or section 3 of this chapter

commits a Class D felony.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-6-5**

Sec. 5. (a) If the commission after a hearing conducted under IC 4-21.5-3 finds that:

(1) a statement or report required to be filed under this article was materially incorrect;

(2) the person filing the report was requested to file a corrected statement or report; and

(3) a corrected statement or report has not been filed;  
the commission may invoke sanctions under subsection (b).

(b) If under subsection (a) the commission is authorized to invoke sanctions under this subsection, the commission may do either or both of the following:

(1) Revoke the registration of the person who has failed to file a corrected statement or report.

(2) Assess a civil penalty on that person in an amount not to exceed five hundred dollars (\$500). *As added by P.L.6-1985, SEC.3. Amended by P.L.7-1987, SEC.1; P.L.3-1992, SEC.24.*

#### **IC 2-7-6-6**

Sec. 6. (a) The commission may impose either or both of the following sanctions if, after a hearing under IC 4-21.5-3, the commission finds that a lobbyist failed to file a report with a member of the general assembly required by IC 2-7-3-6:

(1) Revoke the registration of the lobbyist.

(2) Assess a civil penalty against the lobbyist. A civil penalty assessed under this subdivision may not be more than five hundred dollars (\$500).

(b) In imposing sanctions under subsection (a), the commission shall consider the following:

(1) Whether the failure to file the report was willful or negligent.

(2) Any mitigating circumstances.

*As added by P.L.9-1993, SEC.16.*

#### **IC 2-7-7**

### **Chapter 7. Commission Investigations and Hearings**

#### **IC 2-7-7-1**

Sec. 1. The commission shall conduct an investigation under this chapter of a complaint alleging a violation of this article.

*As added by P.L.9-1993, SEC.17.*

#### **IC 2-7-7-2**

Sec. 2. A complaint must be in writing and be signed by the individual making the

complaint.

*As added by P.L.9-1993, SEC.17.*

### **IC 2-7-7-3**

Sec. 3. When a complaint is filed, the commission shall promptly send a copy of the complaint to the person alleged to have committed the violation of this article.

*As added by P.L.9-1993, SEC.17.*

### **IC 2-7-7-4**

Sec. 4. If the commission determines the complaint does not allege facts sufficient to constitute a violation of this article, the commission shall do both of the following:

- (1) Dismiss the complaint.
- (2) Notify the complainant and the respondent of the commission's action.

*As added by P.L.9-1993, SEC.17.*

### **IC 2-7-7-5**

Sec. 5. (a) If the commission determines the complaint does allege facts sufficient to constitute a violation of this article, the commission shall promptly investigate the allegation.

(b) If after a preliminary investigation the commission finds that probable cause does not exist to support an allegation of a violation of this article, the commission shall do the following:

- (1) Dismiss the complaint.
- (2) Notify the complainant and the respondent of the commission's action.
- (c) If the commission finds that probable cause exists to support an allegation of a violation of this article, the commission shall hold a hearing on the matter not more than thirty (30) days after making the determination. IC 4-21.5 applies to a hearing held under this subsection.

*As added by P.L.9-1993, SEC.17.*

### **IC 2-7-7-6**

Sec. 6. The commission may meet in executive session to do either of the following:

- (1) Make a determination under section 4 of this chapter.
- (2) Investigate a complaint under section 5 of this chapter.

*As added by P.L.9-1993, SEC.17.*

### **IC 2-7-7-7**

Sec. 7. The following matters are confidential:

- (1) Action of the commission and records relating to those actions under section 4 of this chapter.
- (2) Investigations and records relating to a preliminary investigation under section 5 of this chapter.

*As added by P.L.9-1993, SEC.17.*



**IC 2-7-7-8**

Sec. 8. (a) Upon the affirmative vote of three (3) members of the commission, the commission may request from the legislative council the authority to compel either or both of the following by subpoena:

- (1) The attendance and testimony of witnesses.
- (2) The production of documents.

(b) If the legislative council authorizes the commission to issue subpoenas after a request under subsection (a), the circuit or superior court of the county where a subpoena is to be served shall enforce the subpoena.

*As added by P.L.9-1993, SEC.17.*

## **APPENDIX 1**

### **Advisory Opinion Procedure**

#### **Introduction:**

One of the functions of the Indiana Lobby Registration Commission (Commission) is to assist the public by rendering Advisory Opinions with respect to the interpretations and applicability of Indiana Code Section 2-7. In furtherance of this role, and pursuant to Indiana Code 2-7-1.6-5(a)(6), the Commission has adopted the following guidelines with regard to the issuance of Advisory Opinions.

Each Advisory Opinion represents a formal policy determination of the Commission and may be relied upon in making filing and reporting decisions. Oral advice provided by staff of the Commission is intended to help citizens to analyze their particular circumstances and to make decisions on their own about compliance with the lobby registration law. There should be no specific reliance on oral advice of this kind.

#### **Procedure:**

§1. (a) The Commission will render advisory opinions with respect to the interpretation and applicability of Indiana Code 2-7 and, in appropriate circumstances, other statutes or rules governing the registration and reporting of lobbyists. There is no right to an Advisory Opinion and the Commission will render Advisory Opinions as a matter of discretion.

(b) An Advisory Opinion may be requested by any lobbyist, legislator, other interested party, or may be issued by the Commission of its own initiative.

(c) Requests for Advisory Opinions shall be in writing, signed by the person making the request, and shall be titled, "Request for Advisory Opinion."

(d) A request for an Advisory Opinion shall state all material facts necessary for the Commission to understand the circumstances and make a complete analysis. Typically, the request for an Advisory Opinion must be based on actual facts and circumstances confronting the person making the request. Persons also may ask the Commission to issue Advisory Opinions with respect to hypothetical cases. It is less likely that the Commission will exercise its discretion to issue an Advisory Opinion in response to hypothetical cases. Only if the matter seems to be of general interest will the Commission exercise discretion to issue an Advisory Opinion.

(e) In requesting an Advisory Opinion, it is not necessary that an agent disclose the name of its principal which may be a matter of attorney-client privilege. The agent making the request should be prepared to certify that there is an undisclosed principal.

(f) Upon receipt of a Request for Advisory Opinion, the Executive Director shall send an information copy to each Commissioner for review in preparation for the next meeting of the Commission.

(g) At that next meeting, the Commission will determine whether it will exercise its discretionary powers to issue an Advisory Opinion on the matter set forth in the request.

(h) Requests for Advisory Opinions must be received at the Commission office at least 10 days prior to the meeting of the Commission at which it is expected to be considered. The decision to include a request for an Advisory Opinion on the agenda is a matter of discretion with the Commission. Generally, that decision of the Commission will be made by the Chair, but the Chair will ordinarily honor the request of any member of the Commission to place a matter on the agenda.

(i) If a request for an Advisory Opinion is placed on the agenda for a Commission meeting, the Executive Director will give notice of the agenda, as well as the time and place of the meeting, to the person who requested the Advisory Opinion. It is the responsibility of the person who requested the Advisory Opinion to appear at the scheduled Commission meeting to address the request. A failure on the part of the person requesting an Advisory Opinion to attend the meeting of the Commission will militate against the issuance of an Advisory Opinion.

(j) The Commission may decide on an Advisory Opinion in the public meeting in which the request for an Advisory Opinion is presented or may take the matter under advisement. When a matter is taken under advisement, it must come back to a public meeting of the Commission for further discussion and resolution.

(k) Following a decision by the Commission to issue an Advisory Opinion, the Executive Director shall prepare the written expression of the Advisory Opinion and send a copy to each Commissioner for comment. If, during the period of comment by Commissioners, it appears that there is a material disagreement over the manner in which the Advisory Opinion is to be presented, the Executive Director will ask the Chair to place the request for an Advisory Opinion on the agenda for the next scheduled meeting of the Commissioners. If there is no material disagreement over the draft of the Advisory Opinion, the Executive Director will forward the opinion for publication in the *Indiana Register* in the form of a proposed Advisory Opinion.

(l) The Commission will accept written comment on any proposed Advisory Opinion for 30 days after the date of its publication in the *Indiana Register*. At its next following meeting, the Commission will consider any commentary that has been made during the 30-day period and will vote whether to ratify the Advisory Opinion as written or whether to amend it. If the Advisory Opinion is amended in that meeting of the Commission, it will be published in the *Indiana Register* under the procedure outlined above and held available for an additional comment period of 30 days.

(m) When the Commission ratifies a proposed Advisory Opinion, the final Advisory Opinion will be published in the *Indiana Register*. The vote of each Commissioner will be recorded by way of a signature on the Final Advisory Opinion. The Executive Director shall also sign Final Advisory Opinions prior to submission to the *Indiana Register*.

(n) The Commission will permit any person to submit memoranda, briefs, or other relevant written material or to provide oral testimony on any subject that is to be incorporated in an Advisory Opinion.

(o) Any Final Advisory Opinion, until amended or revoked, may be relied upon by all persons.

(p) Within fifteen (15) days of ratification of an Advisory Opinion, the Executive Director shall send a written copy of the Opinion to the party who requested it.

#### **Request for Reconsideration from Final Advisory Opinion**

§ 2 (a) The person who made the inquiry and any person directly affected by the Commission's Advisory Opinion may request reconsideration or clarification from the Commission of the Advisory Opinion.

(b) Any such request for reconsideration shall be made, in writing, to the Commission within fifteen (15) days of receipt of the Advisory Opinion sent pursuant to §1(p) of this statement.

#### **Public Record**

§3 (a) The Commission staff will periodically publish the accumulated Advisory Opinions in an appropriate format.

(b) A summary of the Commission's Advisory Opinions will be included and published in the annual report.

## APPENDIX 2

### General Instructions for Completing and Filing a Compensated Lobbyist Registration

1. Indicate whether you are filing an original or an amended registration.
2. A \$100 registration fee must accompany the lobbyist registration with the following exception: an employee/member of a non-profit organization pays a \$50 fee if the employer files under IRS Code Sections 501(c)(3) or 501(c)(4). Please list the tax exempt number assigned by the IRS.
2. **Section A:** List the full legal name of the compensated lobbyist. Include your social security number on Line 7, if you are an individual registrant, or the corporate tax identification number, if the registrant is not an individual, e.g., corporate registrant. Social security numbers, which will be maintained in a separate index and file, are used to determine a person's eligibility to register as a lobbyist.
3. **Section B:** List **each employer or client** who will compensate you for providing lobbying services on their behalf.
4. **Section C:** Identify all subject matters for which you have contracted to lobby. If no subject category applies, specify your area of lobbying interest in the space marked "Other."
5. **Section D:** An individual registrant must answer all questions by checking the yes/no boxes.
6. **Section E:** Corporate registrants filing as compensated lobbyists must list all persons in their employ who will lobby on behalf of the clients identified in Section B of this statement. Each of these persons also will register as a compensated lobbyist.
7. **Section F:** Only the original signature of the registrant whose name is listed in Section A, line 1, will be accepted by the Commission. For corporate registrants, only the signature of an officer of the registrant will be accepted.

## APPENDIX 3

### General Instructions for Completing and Filing an Employer Lobbyist Registration

1. Indicate whether this is an original or an amended registration.
2. **Section A:** List the employer registrant's full legal name, correct business address, and telephone number. On line , list the name of a contact person within the organization with whom the Commission may communicate.
3. **Section B:** The lobbyist registration fee is \$100, with the following exception: a non-profit organization, filing as an employer registrant, pays a registration fee of \$50, if the organization files under IRS Code Sections 501(c)(3) or 501(c)(4). As proof of tax exempt status, please list the tax exempt number assigned by the IRS.
4. **Section C:** List the names, titles, and addresses of no more than five of the controlling persons or officers of your organization. The Commission will accept only the signature of one of these persons on registration and activity reports filed by your organization.
5. **Section D:** Include the name, address, and phone number of **each lobbyist** whom your organization will compensate for lobbying services and indicate whether each lobbyist is an employee or an independently contracted lobbyist. **Each identified person also must register as a compensated lobbyist.**
6. **Section E:** Identify all subject matters for which you will compensate the individuals listed in Section C. If no subject category applies, designate your area of lobbying interest in the space provided under "Other."
7. **Section F :** The registration statement must be signed and dated by a controlling person or an officer of the registrant. **The Commission will accept only the original signature of one of the persons listed in Section B, lines a-e.**

## APPENDIX 4

### Completing and Filing a Lobbyist Activity Report

File your activity report on time to avoid a late fee. Filing deadlines are on or before May 31 for the first reporting period and on or before November 30 for the second period. (If due date falls on a weekend, filings are due the Monday following the weekend.) Indicate for which period you are filing and whether you are terminating as a lobbyist.

1. In the box at the top right hand side of the first page:
  - a. indicate for which reporting period you are filing;
  - b. indicate whether you are terminating as a lobbyist;
  - c. indicate whether you are filing as an employer lobbyist or as a compensated lobbyist.

**NOTE: IF YOU ARE REGISTERED AS BOTH AN EMPLOYER LOBBYIST AND AS A COMPENSATED LOBBYIST, YOU FILE YOUR ACTIVITY REPORT(S) ONLY AS A COMPENSATED LOBBYIST.**

#### Section A. Identification

- **EMPLOYER REGISTRANT:** complete Section A, lines 1-6.
- **CORPORATE COMPENSATED REGISTRANT:** complete Section A, lines 1-6.
- **COMPENSATED REGISTRANT:** complete Section A, lines 1-5.

- Line 1:* If registrant is an organization, business, or company, list the complete business name. Do not use an acronym.
- Line 2:* List the business telephone number.
- Line 3:* List the complete **business address**
- Line 4:* List the business **mailing address** if different than the business address listed on line 3.
- Line 5:* List the name, title, and phone number of the person completing the activity report.
- Line 6:* List between 3 and 5 persons who are responsible for the activities of the registrant (e.g., president, secretary, executive director). For the employer lobbyist, this information should mirror the information provided in Section C of the employer registration statement on file with the Commission. ***Activity report(s) will be considered invalid if signed by other than one of these designated persons.***

**PLEASE NOTE: ONLY COMPENSATED LOBBYISTS ARE TO COMPLETE SECTION B. (Complete an activity report for each client for whom you provided lobbying services.)**

**Section B. Identification of Client(s) of the Registrant** On each activity report you are completing:

- Line 1:* List the **name** of the **client**.
- Line 2:* List the **complete business address** of the **client**.
- Line 3:* List the **business phone number** of the **client**.
- Line 4:* List the type of **business** of **client**.

**Section C. Lobbying Expenditures** -- An employer registrant files one activity report. However, a registrant **who received compensation for lobbying and who compensated another to lobby must file a separate activity report for EACH** person/entity from whom he received payment for lobbying.

- Line 1:* Report all compensation that **you** paid in the form of salary, wages, benefits, or retainer to an employee, or to anyone who was thus compensated by you for performing lobbying services during this reporting period. **This figure is to include the amount of compensation that an independent lobbyist paid himself for lobbying.**
- Line 2:* Report the total reimbursements you made to anyone for performing lobbying services during this reporting period.
- Line 3:* Report all direct payments you made in sponsoring all or part of a legislative reception. Expenditures for **receptions** where lobbying occurs should be reported when the expenditures are incurred directly by a lobbyist. Include any expenses associated with the giving of a legislative reception that are paid by a lobbyist. The **costs of all receptions** must be reported on this line only when **fewer than** all general assembly members are invited.
- Line 4:* Report total amounts spent for entertainment, including meals. Lobbyist do not report their portion of entertainment.
- Line 5:* Report all gifts made to employees of the general assembly, or to immediate family members of the employees of the general assembly. This requires disclosure of gifts made for less than \$100 in one day.
- Line 6:* Report expenditures made for the benefit of all members of the general assembly. For example, cost of receptions to which all members of the general assembly are invited are reported on this line.



- Line 7:* Report on this line total expenditures and gifts reported in Section D (and not reported elsewhere on the form). There may be certain expenditures listed in Section D of the form that already have been reported on other lines of this form. Subtract the value of those expenditures in arriving at a figure for line 7.
- Line 8:* Report all registration and late fees.
- Line 9:* Report all other expenditures made for lobbying that have not been reported on other lines.
- Line 10:* Report total lobbying expenditures (add lines 1 through 9).
- Line 11:* If you are a compensated lobbyist (or if you are registered both as a compensated lobbyist and as an employer lobbyist), you may subtract out all of line 10, except for expenses incurred to lobby on your own behalf or expenses that were not attributable to any client. For example, if you incurred expenditures to lobby for yourself (e.g., a law firm lobbying on tort reform), you may not back out those expenditures. Similarly, if you used money from non-lobbying clients or from non-lobbying revenue to support your lobbying efforts, you may not back out those dollars.
- Line 12:* NET FIGURE (subtract line 11 from line 10).

**Section D. Affidavit of Non Legislative Income** Identify all general assembly members from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5. NOTE: Please contact the legislator from whom you should have received an affidavit if the legislator has not sent you the required affidavit.

**Section E is comprised of three subsections. Please read the directions associated with each subsection.**

**Section E-1. Good-Faith Exchange Transactions (are reported only in Section E-1) DO NOT REPORT ANY TRANSACTIONS FROM E-1 IN SECTION C.** A lobbyist must report in Section E-1 any purchases of goods or services from a legislator's sole proprietorship, partnership, or family business (if purchase is in excess of \$100/day or \$500 aggregate for the year. NOTE: Lobbyists must continue to report in this section any purchases made from a legislator's retail business.

**Section E-2. Gifts (the value of any gifts listed in E-2 must be reported also in Section C, lines 5 or 7)** Report in Section E-2 gift(s) given to members of the general assembly, officers of the general assembly, employees of the general assembly, or immediate family members, officers, or employees of the

general assembly if gift is in excess of \$100/day or \$500 aggregate for the year.

- Insurance policies, credit card agreements, recorded mortgages secured by real property, or written agreements with financial institutions made in the ordinary course of business, **shall not** be reported.
- Expenditures or payments made to a legislator or to a family member employed or retained by the lobbyist as an employee, an independent contractor, speaker or presenter are to be reported.

**Section E-3. Other Expenditures Not Reported in Sections E-1 and E-2 (to be reported in Section C, line 7)**

Report in Section E-3 any expenditure(s) not reported in Sections E-1 and E-2 that exceeded \$100/day or \$500 aggregate for the year. Such expenditure(s) include meals, entertainment and receptions to which fewer than all members of the general assembly were invited.

**Section F. Subject(s) of Lobbying**

Lobbyists must identify all Subject(s) of Lobbying for which they lobbied. Specific bill numbers for which lobbyist efforts were made must be listed in the space marked “Specific Legislation.” NOTE: Lobbyists must provide a list of bill numbers and correlating subject matter. Additionally, compensated lobbyists should do this for each client.

**Section G. Sworn Statement.** Section G is a sworn statement and requires a registrant’s original signature. An activity report will be accepted **ONLY** when it bears the **original signature** of the registrant, or when the registrant is an employer lobbyist, the **original signature** of one of the persons listed in Section C of the Employer Registration on file with the Commission. An activity report with a stamped or faxed signature, the signature of a person other than the registrant, a signature made by a third party – or, for an employer lobbyist, the signature of a person not listed in Section C of the Employer Registration statement, will be returned as an unfiled report and will be subject to late filing penalty.

## **APPENDIX 5**

### **Completing and Filing a Report of Legislative Gift or Purchase**

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A Report of Legislative Gift or Purchase must be filed only when a gift or purchase, as described below, is made. This report, which is available upon request from the Commission office, is to be filed within 7 days of giving the gift or making the purchase.

This report must be filed with the member of the General Assembly identified in Section A and with the Indiana Lobby Registration Commission.

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#### **Section A**

- Identify the lobbyist who made the gift or purchase and include the lobbyist's complete business address and telephone number.
- Identify the General Assembly member who was the beneficiary of the gift or from whom the purchase was made.

#### **Section B**

- If a purchase of goods or services (as described on the form) was made, check the appropriate box and give the purchase date.

#### **Section C**

- If a gift (as described on the form) was made, check the box that most appropriately identifies the gift and note the date the gift was given.

#### **Section D**

- The report must bear the original signature of the lobbyist and the date the report is submitted.

## APPENDIX 6

### Audit Procedure

- A. Commission staff chooses lobbyists to audit in two ways:
1. By random selection. IC 2-7-4-6 mandates at least 5% of reports are to be audited randomly each year. Since July, 1992, the Commission has maintained a policy of auditing 10% of reports each year.
  2. To examine a discrepancy in a registration or report.
- B. Lobbyists selected for audit are notified by letter, using the address that appears on the registration form. Letters to employer lobbyists are addressed to the contact persons listed on the registration forms. Letters to compensated lobbyists are addressed to the registrants.
- C. Each lobbyist being audited must submit documentation that substantiates the data provided on the activity report and the registration form. The Commission expects lobbyists to provide complete information within the time period specified in the notification letter -- usually three weeks -- unless special circumstances warrant an extension of time.
- D. The following documentation can be used to substantiate information:
- cash register receipts-expense account statements
  - affidavits-canceled checks
  - charge slips- bank statements
  - invoices for billable hours-tax returns, IRS form 1099
  - payroll check stubs- time sheets
  - contracts-business diaries and calendars
  - other records kept during the regular- accounting department payroll sheets course of business.
- V. Lobbyists being audited can mail or deliver supporting documentation to the Commission office. As necessary, staff will contact each lobbyist to request further documents and to schedule a meeting to discuss the audit. Any lobbyist being audited can schedule a meeting with Commission staff to ask questions and clarify information. All documents provided in

support of an audit are kept confidential while in the possession of the Commission.

- VI. Whether an audited lobbyist has submitted sufficient documentation to support his/her activity report is to be determined by the Director/Counsel of the Commission.

## **APPENDIX 7**

### **Electronic Filing Instructions**

## **ILRC'S ONLINE SERVICES**

### **REGISTRATION, ACTIVITY AND GIFT REPORTING ONLINE**

#### **OVERVIEW**

Access Indiana, in cooperation with the Indiana Lobby Registration Commission, has developed four new interactive services, geared toward helping lobbyists interact more efficiently with the State of Indiana. This document will take you through the easy process of, the onetime pre-registration setup necessary to access these online services and, also, through submitting an online filing. This new online system allows third party filing, also, so this document will also walk you through that modified process.

#### **ONETIME PRE-REGISTRATION PROCESS**

Because the ILRC filings contain confidential information, these new online services have enhanced security features such as requiring a lobbyist to enter a username and password prior to logging into the application. In order to obtain this login information, a lobbyist must have a network subscription to Access Indiana\* and, also, file a memorandum of understanding (MOU) with ILRC. The subscription agreement to the network can be found in this packet of information and must be renewed annually. The MOU is available online or can be obtained through ILRC's office, this process need only occur once. The Access Indiana ID must be included on the MOU so ILRC can properly process the lobbyist's information before he/she can use the online services.

\* If a lobbyist wishes to have a third party prepare these documents on their behalf, an MOU is still required by the lobbyist but the ID and password is only required by the preparer.

## **LOBBY REGISTRATION/ACTIVITY/GIFT REPORTING (FILING WITHOUT A PREPARER)**

The process is simple for those lobbyists submitting their filings without the use of a preparer. The process is outlined below and involves the lobbyist logging onto the application, completing the form and pressing submit. This information is automatically transmitted to ILRC, without the normal delays of completing the filing on paper and mailing it in. Another time saving benefit is the reuse of information already stored in ILRC's system. Once you register as a lobbyist, the system "remembers" who you are and will pre-fill your contact information for each sequential filing. If your information has changed, you simply update the information as you file and continue with the report. The system then "remembers" your new information for future filings.

## **LOBBY REGISTRATION/ACTIVITY/GIFT REPORTING (FILING USING A PREPARER)**

What if you normally have a third party prepare your filings for you? No problem! ILRC's system has been designed to accommodate the way you currently do business with the state. Your preparer can complete your information, send you an email for your approval, then submit it to ILRC with a simple click. It's that easy!

## **PRICING**

Access Indiana, in cooperation with ILRC, is offering these services to you for a small convenience fee outlined below. A subscription to Access Indiana costs \$50 annually and has many benefits beyond being able to file lobbyist reports online. These benefits include, new hire reporting with the Dept. of Workforce Development and Secretary of State's corporate filings. There are many additional online services that are highlighted in this packet and at the following URL: <http://www.state.in.us/premium>

There is nominal total cost of \$1 per filing for an activity or gift report when filing online and a total cost of \$105 when filing your annual registration statement online. There are additional charges for late submissions.

## **CONCLUSIONS**

The Lobby Registration Commission has worked diligently to streamline their filing process to make it even easier to file your reports. After the onetime pre-register process, you will be able to register or renew your lobbyist status or file your activity and gift reports online, without ever reentering your contact information. This is just another example how we are transforming relationships between business and government, one interaction at a time.